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| 09/610,132 | 07/05/2000 | Steve Cottis | | 4626 |

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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON, DE 19805

EXAMINER

SZEKELY, PETER A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1714

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DATE MAILED: 04/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,132

Applicant(s)

Cotlis

Examiner

Szekeles

Group Art Unit

1714

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 3/15/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-8 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-8 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Claim Objections

1. Claim 4 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim is directed to any titanium dioxide, including anatase, while the claim it depends from, claim 1, is limited to "rutile type high solids metal oxide coated titanium dioxide".

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There is nothing in the specification to enable one of ordinary skill in the art, at the time the invention was made, to ascertain what the level of titanium dioxide is which corresponds to "an amount sufficient for said liquid crystalline polymer to achieve a comparative tracking index (CTI)

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rating above 220 volts and a flammability rating of V-0 in test UL-94 at a 0.0625" thickness".

The only concentrations of titanium dioxide shown are the 30-50% by weight, on page 3, line 27 and the 40% by weight in the Examples.

4. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no mention in the specification about of adding titanium dioxide "in an amount sufficient for said liquid crystalline polymer to achieve a comparative tracking index (CTI) rating above 220 volts and a flammability rating of V-0 in test UL-94 at a 0.0625" thickness". The only concentrations of titanium dioxide shown are the 30-50% by weight on page 3, line 27 and the 40% by weight in the Examples.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The statement "in an amount sufficient for said liquid crystalline polymer to achieve a comparative tracking index (CTI) rating above 220 volts and a flammability rating of V-0 in test

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UL-94 at a 0.0625" thickness" is indefinite, since it requires undue experimentation from one of ordinary skill in the art, at the time the invention was made.

8. The word "type", in claims 1 and 3, renders claims 1-8 indefinite.

9. The term "high solids metal oxide" in claim 1 is a relative term which renders the claim indefinite. The term "high solids metal oxide" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The amount of solids has to be defined numerically. Deletion of the "high solids" would make the claim broader than the specification.

Double Patenting

10. Claims 1-8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of copending Application No. 09/479,713. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the ingredients claimed in the instant application are also claimed in the copending application..

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

11. Claims 1-8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No.

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09/760,740. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the ingredients claimed in the instant application are also claimed in the copending application..

PS
4/24/07

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. Claims 1, 3 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Asai et al. 5,141,985.

14. Asai et al. disclose wholly aromatic polyester resins in column 1, line 30, liquid crystal properties in column 1, lines 54-58, components of electrical apparatus in column 1, lines 40-45, rutile type titanium dioxide, having a particle size of 0.1-0.4 microns and a coating of metal oxides or an organic substance, in the paragraph overlapping columns 4 and 5 and titanium oxide concentrations of 5-25% by weight, in column 5, lines 21-22. The CTI rating and the flammability rating are inherent in the composition.

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Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asai et al. 5,141,985.

17. The reference has been discussed already in paragraph #14. Since it shows rutile type titanium dioxide coated with both metal oxides and an organic substance, a coated titanium dioxide coated with both a metal oxide and an organic substance is prima facie obvious.

18. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (703) 308-2460. The examiner can normally be reached on Tuesday through Friday from 7:00 a.m. to 5:30 p.m.

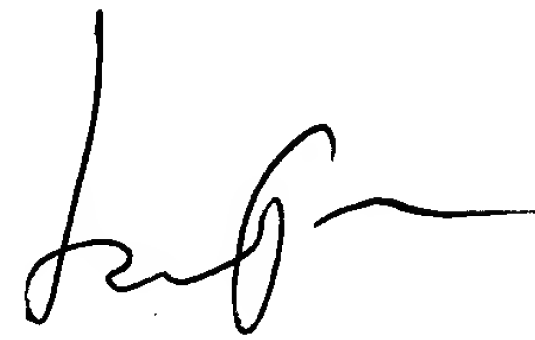
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718 or (703) 305-5408.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'Peter Szekely', with a stylized flourish at the end.

Peter Szekely

Primary Examiner

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